



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Fifteenth Meeting Day

Monday Afternoon

February 7, 2005

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Samuel Bush, First Assembly of God Church, Jasonville, the guest of Representative Bruce A. Borders.

The Pledge of Allegiance to the Flag was led by Representative Borders.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak ☐	Oxley ☐
Buell	Pelath ☐
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter ☐
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson ☐	Saunders ☐
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 85: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1003 with amendments and the same is herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 9, 12, 14, 30, 79, 95, 106, and 159 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 8 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 8, 2005 at 1:30 p.m.

BORDERS

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 9

Representatives Dickinson, Porter, and Summers introduced House Concurrent Resolution 9:

A CONCURRENT RESOLUTION congratulating the Arlington High School Golden Knights on their victory in the 66th annual boys basketball Indianapolis City tournament.

Whereas, The fate of the Arlington High School Golden Knights rested on a free throw in the championship game of the 66th annual boys basketball Indianapolis City tournament on January 24, 2005;

Whereas, For senior David Squires, who shot the winning free throw, it was a moment when time stood still;

Whereas, The winning shot hit the front rim and the backboard and finally went in with 9.3 seconds left in the game, giving the Class 4A, number-one ranked Golden Knights a 53-52 lead over the Space Pioneers of Northwest High School;

Whereas, As dramatic as David Squires' first free throw was, this game had much more to offer;

Whereas, After David Squires missed the second free throw, Arlington's Deonta Vaughn and Northwest's B. J. Shelton were tied up on the rebound, with the possession arrow pointing to Arlington;

Whereas, After two timeouts, Arlington's John Freeman was fouled on the inbound pass with 5.7 seconds left; he missed the first free throw of a one-and-one opportunity;

Whereas, Deonta Vaughn fouled Space Pioneer Carl Baucham on the rebound;

Whereas, With 4.5 seconds left in the game, Northwest was forced to go the length of the floor to score;

Whereas, Just before time expired, Northwest fired a 22-foot shot that missed as the final buzzer sounded;

Whereas, This year's Indianapolis City championship title is the seventh for the 16-0 Arlington Golden Knights and their fifth in nine years;

Whereas, This is the fifth title for head coach and athletic director Larry Nicks, tying him with Tech High School's Tim Campbell for the most Indianapolis City championship titles for a coach, a record that has stood since 1934 when Coach Campbell won the first five titles;

Whereas, The success of the Golden Knights can be attributed in part to the maturity of the players and their ability to stick to their coach's game plan;

Whereas, The Golden Knights are led by six seniors: David Squires, Anthony Munford, Tim Smith, Terry Coleman, Antonio Batteast, and Deonta Vaughn, an Indiana University recruit; and

Whereas, Cooperation and dedication to a goal helped the players and coaches of Arlington High School win the Indianapolis City tournament; these are attributes that will help the players and coaches throughout their lives: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly congratulate the Arlington Golden Knights on their victory in the 66th annual boys basketball Indianapolis City tournament and wish them success in the rest of the season and in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the players; head coach and athletic director Larry Nicks; varsity assistant coaches Mike Bennett, Tony Johnson, Robby Phillips, and Bob Wonnell; principal Dr. Jacqueline S. Greenwood; and superintendent Duncan "Pat" Pritchett.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Howard.

Representative Pelath, who had been excused, was present.

With consent of the members, the House took up House Bills on third reading.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1078

Representative Hoffman called down Engrossed House Bill 1078 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 87, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Weatherwax.

Engrossed House Bill 1129

Representative Foley called down Engrossed House Bill 1129 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zakas, Clark, and Antich-Carr.

Engrossed House Bill 1183

Representative Leonard called down Engrossed House Bill 1183 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Dillon.

Engrossed House Bill 1230

Representative Friend called down Engrossed House Bill 1230 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 89: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server, Lewis, and Clark.

Engrossed House Bill 1375

Representative Klinker called down Engrossed House Bill 1375 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 90: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul, Lewis, Alting, and Rogers.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:20 p.m. with the Speaker in the Chair.

HOUSE BILLS ON SECOND READING

House Bill 1113

Representative Richardson called down House Bill 1113 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1113-1)

Mr. Speaker: I move that House Bill 1113 be amended to read as follows:

Page 2, delete lines 9 through 30, begin a new paragraph and insert:

"SECTION 2. IC 33-37-4-6, AS AMENDED BY P.L.85-2004, SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action, the clerk shall collect **the following:**

(1) From the party filing the action: ~~both of the following fees:~~
(1) (A) a small claims costs fee of thirty-five dollars (\$35);

and

(2) (B) a small claims service fee of ~~five ten~~ **ten** dollars ~~(\$5)~~ **(\$10)** for each ~~named~~ **named or added in the small claims action:**

(2) From any party adding a defendant, a small claims

service fee of ten dollars (\$10) for each defendant added in the action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) ~~A judicial administration fee under (IC 33-37-5-21.2).~~
- ~~(4) (5) A judicial insurance adjustment fee under (IC 33-37-5-25).~~

~~(c) This section applies after June 30, 2005.~~

Page 2, line 36, delete "collect from:" and insert "collect the following":

Page 2, line 37, delete "the party" and insert "From the party".
 Page 2, line 38, delete "defendant; or" and insert "defendant".
 Page 2, line 39, delete "a party" and insert "From any party".
 Page 3, line 10, strike "IC 33-37-4-6(a)(1) and insert "IC 33-37-4-6(a)(1)(A)".

Page 4, line 39, after "under" insert "IC 33-37-4-6(a)(1)(B) and".

Page 5, after line 16, begin a new paragraph and insert:

"SECTION 5. IC 33-37-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. ~~(a)~~ The clerk of a circuit court shall forward the county share of fees collected to the county auditor in accordance with IC 33-37-7-12(a). The auditor shall retain as the county share twenty-seven percent (27%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) ~~IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A)~~ (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

~~(b) This section applies after June 30, 2005.~~

SECTION 6. IC 33-37-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least fifty percent (50%) of the city's or town's ordinance violations in a circuit, superior, or county court located in the county is three percent (3%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) ~~IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A)~~ (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall distribute semiannually to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

~~(d) This section applies after June 30, 2005.~~

SECTION 7. IC 33-37-7-8, AS AMENDED BY P.L.85-2004,

SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) ~~IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A)~~ (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) ~~IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A)~~ (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) ~~IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A)~~ (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) *The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-37-5-21.2.*

~~(g)~~ (h) *The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee*

collected under IC 33-37-5-25.

(h) ~~This section applies after June 30, 2005.~~

(Reference is to HB 1113 as printed February 2, 2005.)

ULMER

Motion prevailed.

HOUSE MOTION
(Amendment 1113-2)

Mr. Speaker: I move that House Bill 1113 be amended to read as follows:

Page 2, line 38, after "each" insert "**additional defendant named other than the first**".

(Reference is to HB 1113 as printed February 2, 2005.)

VAN HAAFTEN

Motion prevailed. The bill was ordered engrossed.

Representative T. Adams was excused for the rest of the day.

House Bill 1137

Representative Murphy called down House Bill 1137 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1137-1)

Mr. Speaker: I move that House Bill 1137 be amended to read as follows:

Page 6, line 23, delete "agency"means" and insert "**agency" means**".

Page 8, line 39, after "office," insert "**or the chief information officer's designee,**".

Page 8, line 41, delete "A member of the attorney general's staff to be appointed" and insert "**The attorney general or the attorney general's designee,**".

Page 8, delete line 42.

Page 9, line 1, delete "A member of the auditor's staff to be appointed by the" and insert "**The auditor of state or the auditor's designee,**".

Page 9, delete line 2.

Page 9, line 5, after "of the" insert "**Indiana**".

Page 9, line 25, after "by the" insert "**Indiana**".

Page 9, line 26, after "The" insert "**Indiana**".

Page 11, line 16, strike "(IC)".

Page 21, line 33, delete "IC 4-13.1-4" and insert "**IC 4-13.1-2**".

Page 30, line 8, delete "IC 4-13.1-4)" and insert "**IC 4-13.1-2)**".

Page 32, line 38, after "of the" insert "**Indiana**".

Page 33, line 4, after "of the" insert "**Indiana**".

Page 33, line 12, after "of the" insert "**Indiana**".

Page 33, line 30, after "of the" insert "**Indiana**".

(Reference is to HB 1137 as printed February 1, 2005.)

MURPHY

Motion prevailed.

HOUSE MOTION
(Amendment 1137-3)

Mr. Speaker: I move that House Bill 1137 be amended to read as follows:

Page 8, delete lines 8 through 12.

Page 8, line 13, delete "(15)" and insert "**(14)**".

Page 8, delete lines 35 through 37, begin a new paragraph and insert:

"**(b) The information technology leadership council is created to:**

(1) advise the chief information officer appointed under section 3 of this chapter; and

(2) perform the duties assigned to the council under this section."

Page 9, delete line 9, begin a new paragraph and insert:

"**(d) The council shall meet at the call of any member as necessary, but at least once each calendar quarter by call of the chairperson. The members of the council serve without compensation and may not receive reimbursement for any expenses that they incur.**

(e) The council shall assist the chief information officer in

implementing this article.

(f) The council may create, from existing state agency personnel or other individuals and organizations, any additional groups or committees necessary to carry out the council's responsibilities.

(g) The council may review and recommend actions to the chief information officer on project requests, contracts, and technical documents.

(h) The council shall establish a reasonable fee for enhanced access to public records and other electronic records, so that user fee revenue from all electronic transactions subject to the fee established under this section is sufficient to develop, maintain, operate, and expand technology services."

(Reference is to HB 1137 as printed February 1, 2005.)

AUSTIN

Motion prevailed.

HOUSE MOTION
(Amendment 1137-5)

Mr. Speaker: I move that House Bill 1137 be amended to read as follows:

Page 19, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 25. IC 5-29 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 29. INDIANA TELECOMMUNICATIONS NETWORK

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Authorized user" means:

(1) any board, commission, department, agency, or authority, by whatever name designated, exercising a part of the executive, administrative, legislative, or judicial power of the state;

(2) any county, city, town, township, school corporation, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, legislative, or judicial power of the state or a local governmental power;

(3) any entity that is subject to:

(A) budget review by the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) audit by the state board of accounts;

(4) any building corporation of a political subdivision of the state that issues bonds for the purpose of constructing public facilities;

(5) any advisory commission, committee, or body created by statute, ordinance, or executive order and requiring the use of the Indiana telecommunications network;

(6) the Indiana higher education telecommunications system (IC 20-12-12) and all the colleges and universities included in that system;

(7) any Indiana broadcasting station licensed by the Federal Communications Commission as a noncommercial radio or television station for the purposes of educational programming;

(8) any community network; or

(9) any nonpublic school (as defined in IC 20-10.1-1-3).

Sec. 3. "Board" means the Indiana telecommunications network board established by IC 5-29-2-1.

Sec. 4. "Community network" means a nonprofit entity:

(1) associated with a local community; and

(2) formed for the express purpose of coordinating the delivery of government data and other civic related or commercial information through electronic means to the local community.

Sec. 5. "Executive director" refers to the executive director of the board appointed under IC 5-29-2.

Sec. 6. "Indiana telecommunications network" means the integrated telecommunication network designed, developed, and managed under this article.

Sec. 7. "Telecommunication" means the transmission of any datum, including documents, pictures, sounds, or other symbols by television, radio, microwave, optical, or other electromagnetic signal.

Chapter 2. Indiana Telecommunications Network Board

Sec. 1. The Indiana telecommunications network board is established.

Sec. 2. The board consists of five (5) members as follows:

- (1) A local government official appointed by the governor.
- (2) The chief information officer of the office of technology established by IC 4-13.1-2-1 or the officer's designee.
- (3) The state superintendent of public instruction or the superintendent's designee.
- (4) The director of the Indiana state library or the director's designee.
- (5) A representative of the coordinating unit established under IC 20-12-12-3 appointed by the coordinating unit.

Sec. 3. (a) The board may:

- (1) employ qualified staff;
- (2) engage in ongoing planning and development activities;
- (3) enter into and administer contracts, leases, and other agreements;
- (4) adopt bylaws and otherwise manage its internal affairs;
- (5) sue and be sued;
- (6) receive, hold, use, and dispose of property, other than real property and other than the Indiana telecommunications network, in the name of the board; and
- (7) exercise any other power necessary or incident to carrying out this article.

(b) The board shall maintain a comprehensive statewide digital telecommunication system known as the Indiana telecommunications network coordinated through the board by working with authorized users and private sector organizations to provide network service.

Sec. 4. The board shall be under the jurisdiction and rules adopted by the state ethics commission.

Sec. 5. (a) The board shall elect one (1) member of the board to serve as its chairperson and another member of the board to serve as its vice chairperson. These officers shall serve the term and perform the duties specified in the commission's bylaws.

(b) An officer elected under this section may not concurrently serve as executive director.

Sec. 6. Meetings of the board shall be called and conducted in conformity with the bylaws of the commission.

Sec. 7. A quorum of the board consists of three (3) members. If at least a quorum of its members is present at a public meeting, the board may take a final action upon the approval of three (3) of the members of the board.

Sec. 8. (a) The board shall appoint an executive director of the board to serve at the pleasure of the board.

(b) The board shall set the executive director's compensation with the approval of the budget agency.

Sec. 9. The executive director and the board's other staff shall carry out this article in conformity with the policies and directives of the board.

Sec. 10. The board is subject to the jurisdiction of the budget agency under IC 4-13-2 and the state board of accounts under IC 5-11-1.

Sec. 11. The board is subject to the jurisdiction of the Indiana department of administration and the procurement procedures under IC 4-13-1, IC 4-13.6, and IC 5-22.

Sec. 12. All property of the board is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or a political subdivision of the state.

Chapter 3. Indiana Telecommunications Network

Sec. 1. (a) The board shall design, develop, contract for, and manage a statewide, integrated telecommunication network known as the Indiana telecommunications network. The Indiana telecommunications network must economically, efficiently, and effectively meet the needs of authorized users.

(b) The board shall provide the Indiana telecommunications network solely to carry out or to facilitate the carrying out of the essential public, educational, and governmental functions of

authorized users.

Sec. 2. The board may provide authorized users with any administrative support services, technical assistance, materials, or supplies that are necessary or incident to determining whether to become a user of the Indiana telecommunications network.

Sec. 3. The board may provide technical information and assistance for the coordination, planning, allocation, procurement, or management of Indiana telecommunications network services to an authorized user when requested by the user.

Sec. 4. The board shall set policies, standards, procedures, and other requirements for:

- (1) the operation of the Indiana telecommunications network;
- (2) the board's relationship with suppliers for the Indiana telecommunications network; and
- (3) the provision of Indiana telecommunications network services to authorized users.

Chapter 4. Sources of Funds

Sec. 1. The board may carry out its responsibilities with:

- (1) funds appropriated by the general assembly;
- (2) funds derived from the board's revenues;
- (3) federal funds granted to the board; and
- (4) funds available from gifts or bequests."

Page 32, line 35, delete "After June 30," and insert "This SECTION does not apply to the statewide, integrated telecommunication network that:

- (1) was developed by the intelnet commission and managed in partnership with the Indiana higher education telecommunications system (IC 20-12-12) before July 1, 2005; and
- (2) is known as the Indiana telecommunications network under IC 5-29, as added by this act."

Page 32, delete line 36, begin a new paragraph and insert:

"(b) After June 30, 2005, a reference in any law, rule, contract, or other document or"

Page 33, line 3, delete "(b)" and insert "(c)".

Page 33, line 11, delete "(c)" and insert "(d)".

Page 33, line 20, delete "(d)" and insert "(e)".

Page 33, line 29, delete "(e)" and insert "(f)".

Page 33, line 37, delete "(f)" and insert "(g)".

Page 33, after line 37, begin a new paragraph and insert:

"SECTION 41. [EFFECTIVE JULY 1, 2005] (a) This SECTION applies to the statewide, integrated telecommunication network that was developed by the intelnet commission and managed in partnership with the Indiana higher education telecommunications system (IC 20-12-12) before July 1, 2005.

(b) On July 1, 2005, the assets, property, and obligations of the intelnet commission associated with the telecommunication network described in subsection (a) are transferred to the Indiana telecommunications network board established by IC 5-29-2-1, as added by this act.

(c) This SECTION expires July 1, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1137 as printed February 1, 2005.)

PIERCE

Upon request of Representatives Pierce and Cochran, the Speaker ordered the roll of the House to be called. Roll Call 91: yeas 40, nays 53. Motion failed.

HOUSE MOTION (Amendment 1137-4)

Mr. Speaker: I move that House Bill 1137 be amended to read as follows:

Page 10, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 8. (a) The office may do the following:

- (1) Develop an overall strategy and architecture for the use of information technology by political subdivisions.
- (2) Assist a political subdivision in coordinating the operations of the various information technology systems used by a political subdivision if requested by the political subdivision.
- (3) Provide consulting and technical advisory services to

political subdivisions when requested.

(4) Review a political subdivision's information technology project plans and information technology expenditures if requested by the political subdivision.

(5) Develop and maintain policies, procedures, and guidelines for the effective use of information technology in interactions between political subdivisions and state agencies.

(b) The office may require a director of information technology services or other knowledgeable individuals employed by a political subdivision to advise and assist the office in exercising the powers granted in this section.

(c) The office may develop information technology policies for political subdivisions that promote economical, effective, and integrated information technology services, technology accessibility, operational security, and adherence to the principles of the code of fair information practices for individual privacy.

(d) The office may conduct studies and reviews that the office considers necessary to promote the use of high quality, cost effective information technology within local government with adequate protections of the individual citizen's interests in personal privacy."

Page 19, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 25. IC 6-1.1-31.5-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) After December 31, 1998, each county shall maintain a state certified computer system that has the capacity to:

- (1) process and maintain assessment records;
- (2) process and maintain standardized property tax forms;
- (3) process and maintain standardized property assessment notices;
- (4) maintain complete and accurate assessment records for the county; and
- (5) process and compute complete and accurate assessments in accordance with Indiana law.

The county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county except in a county with a township assessor elected under IC 36-6-5-1 in every township. In a county with an elected township assessor under IC 36-6-5-1 in every township, the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county.

(b) All information on the computer system shall be readily accessible to:

- (1) township assessors;
- (2) the county assessor;
- (3) the department of local government finance; and
- (4) members of the county property tax assessment board of appeals.

(c) The certified system used by the counties must be compatible with the data export and transmission requirements in a standard format prescribed by the ~~department of local government finance~~ **office of technology established by IC 4-13.1-2-1**. The certified system must be maintained in a manner that ensures prompt and accurate transfer of data to the department.

(d) All standardized property forms and notices on the certified computer system shall be maintained by the township assessor and the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county."

Renumber all SECTIONS consecutively.

(Reference is to HB 1137 as printed February 1, 2005.)

RESKE

Motion prevailed.

HOUSE MOTION (Amendment 1137-6)

Mr. Speaker: I move that House Bill 1137 be amended to read as follows:

Page 6, line 29, delete "or".

Page 6, line 31, delete "IC 20-12-0.5-1)." and insert "IC 20-12-0.5-1); or".

Page 6, between lines 31 and 32, begin a new line block indented and insert:

"(3) the Indiana higher education telecommunications system (IC 20-12-12).".

(Reference is to HB 1137 as printed February 1, 2005.)

DVORAK

Motion prevailed.

HOUSE MOTION (Amendment 1137-2)

Mr. Speaker: I move that House Bill 1137 be amended to read as follows:

Page 10, between lines 29 and 30, begin a new paragraph and insert:

"Sec. 2. (a) The assistive technology standards implementation group is established. The group consists, at minimum, of the following:

- (1) A representative of an organization with experience in and knowledge of assistive technology policy.
- (2) An individual with a disability.
- (3) Representatives of the administrative branch of state government.
- (4) At least three (3) representatives of local units of government.
- (5) The chief information officer or the chief information officer's designee.
- (6) A representative of the judicial branch of state government appointed by the chief justice of the supreme court of Indiana.
- (7) A representative of the legislative branch of state government appointed by the chairman of the legislative council.

(b) The chief information officer shall appoint the members described in subsection (a)(1) through (a)(5).

Sec. 3. The assistive technology standards implementation group shall assist the office in implementing this chapter."

(Reference is to HB 1137 as printed February 1, 2005.)

PELATH

Motion prevailed. The bill was ordered engrossed.

House Bill 1211

Representative Goodin called down House Bill 1211 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1288

Representative Foley called down House Bill 1288 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1320

Representative Becker called down House Bill 1320 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1326

Representative Becker called down House Bill 1326 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1357

Representative C. Brown called down House Bill 1357 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1358

Representative C. Brown called down House Bill 1358 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1431

Representative Friend called down House Bill 1431 for second

reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1590

Representative Moses called down House Bill 1590 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1593

Representative Ruppel called down House Bill 1593 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1794

Representative Behning called down House Bill 1794 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1052

Representative Borrer called down House Bill 1052 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1052-1)

Mr. Speaker: I move that House Bill 1052 be amended to read as follows:

Page 2, after line 9, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "state lottery" refers to the Indiana state lottery established under IC 4-30.

(b) The state board of accounts shall audit the records and operations of the state lottery for calendar years 2003 and 2004. The state board of accounts shall report the results of the audit required under this SECTION to the governor and the general assembly in an electronic format under IC 5-14-6.

(c) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1052 as printed February 4, 2005.)

WOODRUFF

Upon request of Representatives Woodruff and Turner, the Speaker ordered the roll of the House to be called. Roll Call 92: yeas 76, nays 16. Motion prevailed.

HOUSE MOTION (Amendment 1052-2)

Mr. Speaker: I move that House Bill 1052 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The commission is composed of five (5) members to be appointed by the governor.

(b) All members must be residents of Indiana for at least the two (2) years immediately preceding the member's appointment. After June 30, 2005, not more than one (1) member may reside in the same congressional district in Indiana.

(c) No more than three (3) members may be of the same political party.

(d) Vacancies shall be filled for the remainder of an unexpired term in the same manner as the original appointment."

Page 2, after line 9, begin a new paragraph and insert:

"SECTION 3. IC 4-33-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The commission consists of seven (7) members appointed by the governor.

(b) Each member of the commission must:

- (1) be a resident of Indiana; and
- (2) have a reasonable knowledge of the practice, procedures, and principles of gambling operations.

(c) At least one (1) member of the commission must be experienced in law enforcement and criminal investigation.

(d) At least one (1) member of the commission must be a certified public accountant experienced in accounting and auditing.

(e) At least one (1) member of the commission must be an attorney admitted to the practice of law in Indiana.

(f) Three (3) members of the commission must be residents of a county described in IC 4-33-1-1(1).

(g) Three (3) members of the commission must be residents of a county described in IC 4-33-1-1(2).

(h) One (1) member of the commission must be a resident of a county not described in IC 4-33-1-1(1) or IC 4-33-1-1(2).

(i) Not more than four (4) members may be affiliated with the same political party.

(j) The governor shall appoint each of the initial members of the commission not later than September 1, 1993.

(j) After June 30, 2005, not more than one (1) member may reside in the same congressional district in Indiana.

SECTION 4. [EFFECTIVE JULY 1, 2005] If more than one (1) member of the state lottery commission resides in the same congressional district on July 1, 2005, the governor shall determine which member is disqualified and shall immediately fill the vacancy.

SECTION 5. [EFFECTIVE JULY 1, 2005] If more than one (1) member of the Indiana gaming commission resides in the same congressional district on July 1, 2005, the governor shall determine which member is disqualified and shall immediately fill the vacancy."

Renumber all SECTIONS consecutively.

(Reference is to HB 1052 as printed February 4, 2005.)

TINCHER

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Tincher's amendment (1052-2) is not germane to House Bill 1052.

Rule 80 provides a member the right to amend a bill on subjects germane to the subject of the bill under consideration. Amendment 2 is germane to House Bill 1052 because both measures concern the lottery.

PELATH
TINCHER

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 93: yeas 48, nays 44. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1003.

BORROR

Roll Call 94: yeas 86, nays 8. Motion prevailed.

With consent of the members, the House returned to reports from committees.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1521, has had the same under consideration and begs leave to report the same back to the

House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 1.

ALDERMAN, Chair

Report adopted.

The Speaker announced that House Bill 1521 had been recommitted to the Committee on Rules and Legislative Procedures.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 75, 115, 209, 223, 282, 285, 298, 306, 308, 329, 340, 372, 417, 419, 442, 452, and 569 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 9 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1198, Roll Call 83, on February 3, 2005. In support of this petition, I submit the following reason:

"I was present in the Chambers, but when I attempted to vote, the machine had closed. I intended to vote yea."

AGUILERA

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 83 to 95 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1129, Roll Call 87, on February 7, 2005. In support of this petition, I submit the following reason:

"I was away from my seat and unable to record my vote in time. I intended to vote yea."

WOODRUFF

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 87 to 93 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Frizzell be added as coauthor of House Bill 1126.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1129.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be added as coauthor of House Bill 1315.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Borders be added as coauthor of House Bill 1403.

BORDERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bright be removed as author, Representative Ruppel be removed as coauthor, and Representative Ruppel be substituted as author of House Bill 1537.

BRIGHT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Borror and Hinkle be added as coauthors of House Bill 1639.

J. LUTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as coauthor of House Bill 1699.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1714.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Cheney and L. Lawson be added as coauthors of House Bill 1812.

LEHE

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Dvorak, the House adjourned at 5:40 p.m., this seventh day of February, 2005, until Tuesday, February 8, 2005, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives